

FORM TO BE USED BY FEDERAL INMATES IN FILING A CIVIL ACTION UNDER 28 USC § 1331 OR § 1346

REVISED 8/05

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
\_\_\_\_\_  
DIVISION

Andre' A Darius Johnson  
#17570028

(Enter above the full name and inmate number  
of each plaintiff in this action)

vs.

Case No. 1:22cv313  
(Clerk will assign the number)

The Staff of  
Beaumont USP +  
Medical

(Enter above the full name of each defendant in this action).

**I. PREVIOUS LAWSUITS:**

A. Have you filed *any* other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment?  YES  NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: \_\_\_\_\_

2. Parties to previous lawsuit:

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

3. Court: (If federal, name the district; if state, name the county.) \_\_\_\_\_

4. Docket Number: \_\_\_\_\_

5. Name of judge to whom case was assigned: \_\_\_\_\_

6. Disposition: (Was the case dismissed, appealed, still pending?)  
\_\_\_\_\_

7. Approximate date of disposition: \_\_\_\_\_

**II. PLACE OF PRESENT CONFINEMENT:** Beaumont USP

**III. EXHAUSTION OF GRIEVANCE PROCEDURES:**

Pursuant to 42 U.S.C. § 1997e(a), exhaustion of administrative remedies is required prior to initiating a civil rights action or Federal Tort Claims Act lawsuit. Copies of all grievances, appeal and responses must be submitted to verify exhaustion. Failure to demonstrate exhaustion may be grounds for dismissal. The rules for federal prisoners are found at 42 C.F.R. §§ 542.10, *et seq.*

**1. Informal Grievance**

a. Did you submit an informal grievance? If so, you must attach a copy of the grievance and response.  YES  NO

b. If not, then why not?

I wrote numerous and I've never gotten a response.

**2. Formal Grievance**

a. Did you submit a formal grievance (BP-9)? If so, you must attach a copy of the grievance and response.  YES  NO

b. If not, then why not?

They refused to give me any and this is part of my problem pertaining to my suite

**3. Appeal to the Regional Director of the Bureau of Prisons**

a. Did you timely submit an appeal to the Regional Director (BP-10)? If so, you must attach a copy of the appeal and response.  YES  NO

b. If not, then why not?

They are refusing me my rights

**4. Appeal to the General Counsel of the Bureau of Prisons**

a. Did you timely submit an appeal to the General Counsel of the Bureau of Prisons (BP-11)? If so, you must attach a copy of the appeal and response.  YES  NO

b. If not, then why not?

I can not get anything due to refusal

**IV. PARTIES TO THIS SUIT:**

A. Name and address of each plaintiff: Beaumont USP Andre'a Johnson #11570028

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

If you are bringing a civil rights lawsuit against federal employees, then your lawsuit should be filed pursuant to 28 U.S.C. § 1331. If you are bringing a Federal Tort Claims Act lawsuit under 28 U.S.C. § 1346, then the only defendant will be the United States of America.

Defendant #1: United States of America Beaumont USP

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Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

I was refuse shower shoes which resulted to shoulder injury

in the sho  
Defendant #2: United States of America Beaumont USP

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Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

There medical team has not answered my cpo outs

Defendant #3: United States of America Beaumont USP

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Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

All my personal belongs have Not be sent to me on their behalf.

Defendant #4: United States of America Beaumont USP

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Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

My points are redicously high should be in a lower Facility.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where it happened, when it happened, and who was involved. Describe how each defendant is involved. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. **IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.**

11-6-22 I was sent to the sho and refused shower shoes while getting off the top bunk I fell injuring my left shoulder. I informed Officer Snyder, SIS mont, Medical staff, Officer Huffman, Officer Sowell, Officer Tenner is refusing to initiate my paperwork due to being in (PC) for 384 days they are refusing to give me my 1 hour of recreation a day which has played on my mental health. I'm now taking medicine for anxiety. "Mirtazapine".

The Medical Staff was advised of this situation on numerous occasions and refusing to tend to my health care not filling my script and not tending to my Cop out of bronchitis and my injury or break out on my chest. I injured my shoulder 5-26-22 morning.

approximately April 4, 2022 I packed my belongings officer told me to get them from in front of Cell EB424 and put in the room of maintenance next to office I have NEVER received it. Check property Sol 2nd officer <sup>went back for it.</sup>  
Property officer

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

\$4.5 million for my grief, pain, and suffering also any medical ill I need due to my release from my dealings of this cruel and unprofessional treatment.

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Andrea Johnson

B. List all prisoner identification numbers you have ever been assigned and all other state or federal prison numbers ever assigned to you, if known to you.

#17831 State INDIANA 7570028 Federal

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?

B. If your answer is "yes," give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): \_\_\_\_\_

2. Docket Number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied? \_\_\_\_\_ YES \_\_\_\_\_ NO

C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES \_\_\_\_\_ NO

Central Fill Pharmacy-Pollock BM  
 1000 AIRBASE RD, ADMIN BLDG, POLLOCK  
 371599-CP1 Ramos, Luis MD  
 JOHNSON, ANDREA DARIUS  
 Take one tablet (15)  
 by mouth at bedtime  
 \*consent form on fi  
 Mirtazapine 15 MG Tab  
 (5) Refills 07/18/2022 MVP Refill Ur  
 #30 tab Don't Confiscate Before:  
 Federal/State law prohibits transfer of this drug to any person other than the patient named on this prescription.  
 YES  NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_
2. Docket Number: \_\_\_\_\_
3. Approximate date warnings were imposed: \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.  
(date) (month) (year)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Signature of each plaintiff)

**I DECLARE (OR CERTIFY, VERIFY OR STATE) UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENTS OF FACT, INCLUDING ALL CONTINUATION PAGES, ARE TRUE AND CORRECT.**

Executed on: Aug. 2, 2022  
(Date)

Andrea Johnson  
\_\_\_\_\_  
\_\_\_\_\_  
(Signature of each plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.**

Statement of Claim

Andre'a Johnson 17570028

I have filed on my Compassion of relief regarding the trouble i've endured while my Stay at Beaumont. I Stated all of these in the paperwork and I also have been informed my children had been in Custody of CPS and in thier Caregiver and asked to be granted on this as one of my reasons and was denied saying His desire to Support his child is also not an Extraordinary and Compelling reason for release. I was Sentenced to 31 months and only have 14 left. I

Unit team Officer Tanner stated "He will not help me with anything until I come out of protective custody back to his dorm".

The general rule is that sentences imposed in federal criminal cases are final and may not be modified. 18 U.S.C. § 3582(c). Yet, under one exception to this rule, a court may reduce a sentence "after considering the factors set forth in [18 U.S.C. § 3553(a)] to the extent that they are applicable," if it finds that there are "extraordinary and compelling reasons" that warrant a reduction. 18 U.S.C. § 3582(c)(1)(A)(i). The Seventh Circuit has held that a court has broad discretion in determining what constitutes "extraordinary and compelling reasons" under the statute. *United States v. Gunn*, 980 F.3d 1178, 1180–81 (7th Cir. 2020). The court must "consider[] the applicant's individualized arguments and evidence," *United States v. Rucker*, 27 F.4th 560, 563 (7th Cir. 2022), but ultimately, "[t]he movant bears the burden of establishing 'extraordinary and compelling reasons' that warrant a sentence reduction." *United States v. Newton*, 996 F.3d 485, 488 (7th Cir. 2021).

Defendant has not met his burden to show that extraordinary and compelling reasons warrant release. To the extent that Defendant complains about the health care he is receiving and the conditions at his facility, such complaints might form the basis for a civil suit in his district of incarceration, but they are not extraordinary and compelling reasons to release him. See *United States v. Dotson*, 849 F. App'x 598, 601 (7th Cir. 2021) ("Mistreatment or poor conditions in prison, if proved, might be grounds for relief in a civil lawsuit, but untested allegations of this nature are not grounds for a sentence reduction." (cleaned up)).

Defendant's desire to help support his child is also not an extraordinary and compelling reason for release. Defendant does not suggest that his child lacks a caregiver. His desire to help his child is admirable, but many inmates would like to support their children. That desire is not an extraordinary and compelling reason warranting release.

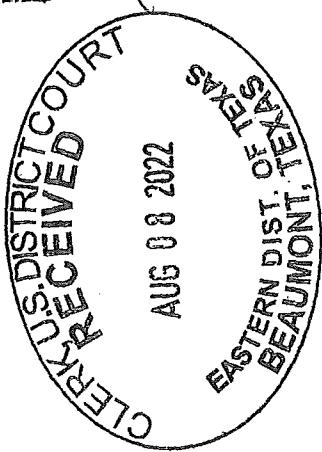
Andre's Johnson  
USP Beaumont  
P.O. Box 26030  
Beaumont, TX 77720

NORTH HOUSTON TX 773

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U.S. District Court

Eastern District of Texas  
300 Willow St. Room 104  
Beaumont, Texas  
77701-2217



77701-221728